



October 17, 2017

Andrea Goldbarg, Esq. *et al.*  
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United States Attorney's Office for the  
Eastern District New York  
271 Cadman Plaza East  
Brooklyn, NY 11201

Re: *United States v. Joaquín Guzmán Loera*  
Case No. 09-CR-0466(S-4)(BMC)

Dear Counsel:

I write to follow-up to my letter of September 19, 2017 (Doc. No. 141) wherein I requested discovery on behalf of my client, Joaquín Guzmán Loera. By this letter, and pursuant to Federal Rules of Criminal Procedure 16 and 26.2, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giles v. Maryland*, 386 U.S. 83 (1963), *United States v. Agurs*, 427 U.S. 97 (1976), and all other applicable rules and statutes, I repeat my prior demands and specifically request the following:

**Warrantless Wiretapping / Surveillance**

Please identify in detail any evidence against Mr. Guzmán that was derived from eavesdropping through warrantless wireless surveillance by any party, person, entity, agency, and/or office, whether foreign or domestic.

This request includes any evidence obtained or derived from acquisition of foreign intelligence information conducted pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended, 50 U.S.C. § 1881a as well as any evidence obtained from the Drug Enforcement Administration's Special Operations Division ("SOD")<sup>1</sup> and/or developed through the practice of "parallel construction."

Please produce all evidence obtained pursuant to the National Security Agency's "Prism" program, including all "metadata" pertaining to any telephone the government alleges

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<sup>1</sup> Upon information and belief, the SOD is an unit of the DEA that includes partner agencies such as the Federal Bureau of Investigation, Central Intelligence Agency, National Security Agency, Internal Revenue Service, Department of Homeland Security and other government agencies. This request encompasses any other units similar to the SOD residing in any partner agency.

was used or possessed by Mr. Guzmán.

Please identify and produce any evidence obtained through warrantless use of a GPS device or through the warrantless use of cell site/tower data.

**Wiretap and / or Title III Intercepts and / or Foreign Intercepts**

The request set forth in this section relates to both domestic and foreign wiretap intercepts. As a predicate to potential motions pursuant to Rule 12 of the Federal Rules of Criminal Procedure, please indicate whether any Title III wiretap interception, or interception authorized under the laws of a foreign country, occurred during the investigation of this case, and whether or not any leads were derived therefrom. Also provide all relevant applications for court orders and 10-day or other reports pertaining to electronic or video or telescopically enhanced surveillance or “pen register” operations, or to the affixing of any instrument to record the telephone number of any incoming or outgoing calls in connection with this case. Please include all court orders, interim reports by the government to the court, logs, tapes, digital recordings, transcripts, applications for, or orders extending, dates for notification of such surveillance, as well as all papers submitted to the court concerning sealing of surveillance tapes or records. If surveillance was accomplished without court order, so state, including dates, times, places, etc. of such surveillance. We also request all tapes and transcriptions of any and all one-party “consent” aural acquisitions related to this case.

Please provide all “line sheets” (contemporary synopses of the wiretap interceptions) produced in sequence in a single file for each wiretap, and identify which calls were believed to be “pertinent” and which, if any, were “minimized.” This information is necessary to determine whether the wiretaps were lawfully conducted.

Please provide all “Daily Reports” related to any intercepts. Experience has revealed that agents monitoring wiretaps prepare daily reports as to the number of pertinent calls, the number of “minimizations,” and any malfunctions or other irregularities. As with the “line sheets” requested above, this information is necessary to determine whether the wiretaps were lawfully conducted.

Please provide all Operating Procedures employed during the wiretaps. Experience has revealed that agents monitoring the wiretaps are given both an oral briefing on the procedures to be used and written operating procedures to be kept as a reference. As with the items requested above, this information is necessary to determine whether the wiretaps were lawfully conducted. Please provide transcripts of all intercepts, even if such are in rough form.

I also make the following specific additional demands:

**Cell-Site Simulator Evidence**

Please produce any and all information that was obtained as the result of the use of a “Triggerfish,” “cell-site simulator” or similar device; identify the locations, times and manner in which the device was used and make the device available for inspection.

**Already-Produced Discovery**

- a. Discovery Production 3 (Bates # 012 – 0215) – Please produce the original recording of these conversations, the dates of the conversations, the linesheets (if any), the identity of the parties involved and how the recordings were made.
- b. Discovery Production 4 (Bates No. 02648 – 03701) – Please produce the original recording of these conversations, the dates of the conversations, the linesheets (if any), the identity of the parties involved and how the recordings were made.
- c. Discovery Production 6 – Please produce color versions of the images that you have produced as black and white images; the dates and locations where the images were taken; the identity of the person(s) taking the image and describe the relevance of the images to this case.
- d. Discovery Production 7 – Please produce a new disc with accessible files. The current disc contains files that are not accessible in either Mac or PC format.
- e. Discovery Production 8 (Discs 2 & 3) – Please produce the original recording of these conversations, the dates of the conversations, the linesheets (if any), the identity of the parties involved and how the recordings were made.

Please contact me if you have any questions. Thank you in advance for your assistance.

Sincerely,

A. Eduardo Balarezo

*Counsel for Joaquín Guzmán Loera*